



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/039,072	03/13/1998	ATSUSHI SASAKI	P/1878-109	9140
7590	05/07/2004		EXAMINER	
Steven I Weisburd DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 Avenue of Americas 41st Floor New York, NY 10036-2714			GRIER, LAURA A	
			ART UNIT	PAPER NUMBER
			2644	27
DATE MAILED: 05/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/039,072	SASAKI, ATSUSHI	
	Examiner	Art Unit	
	Laura A Grier	2644	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) The period for reply expires _____ months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. The proposed amendment(s) will not be entered because:

- (a) they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) they raise the issue of new matter (see Note below);
- (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. Applicant's reply has overcome the following rejection(s): _____.

4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.

6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. The drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.

9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. Other: _____.

Response to Arguments

Applicant's arguments filed 04/19/04 have been fully considered but they are not persuasive.

The applicant's essential argument concerns the prior art, Iwamura, failing to teach comparison of a loudspeaker output signal (which is picked up by a microphone) with a sound source signal in real time. The term "real-time" may be defined as the actual time in which something takes place (Merriam Webster's Collegiate Dictionary), thus, Iwamura discloses comparing the outputs of loudspeaker with the signal of a sound source when the sound is output by the sound source, if some of components/characteristic are stored in memory. The comparison takes place at that actual time, which depicts "real time" processing or comparing. And further as indicated in the last Office Action, Iwamura goes on to further indicate an explicit teaching of performing his invention in real time without memory (col. 11, lines 9-13). Iwamura specifically teaches the reverberation characteristic, initially, however, Iwamura does indicate that other sound characteristics, such as frequency, can be used as decision factors to adjust the sound field of audio output of a loudspeaker (col. 2, lines 8-16). The characteristics, "...frequency characteristic and echo characteristic or a reverberation characteristic...", in which the examiner's rejection reflects reverberation and frequency of claimed limitation are taught by Iwamura.

LAG

May 5, 2004


MINSUN OH HARVEY
PRIMARY EXAMINER